

RURAL COMMUNITY INSURANCE SERVICES)	AGBCA No. 2004-161-F
(Jorge Garza dba My Three Daughters Farm))	
(Compliance Case No. EFOO-948),)	
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Daniel N. Rosenstein, Esquire)	
Levin & Rosenstein)	
1101 17th Street, N.W., Suite 603)	
Washington, D.C. 20036)	
)	
Representing the Government:)	
)	
David M. Stauss, Esquire)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
101 South Main Street, Suite 351)	
Temple, Texas 76501-7686)	

DECISION OF THE BOARD OF CONTRACT APPEALS

January 11, 2005

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On April 12, 2004, Rural Community Insurance Services of Anoka, Minnesota, filed this appeal involving a final determination by the Acting Deputy Administrator for Compliance at the U. S. Department of Agriculture, Risk Management Agency (RMA), in compliance case, No. EFOO-948. This action arises under a Standard Reinsurance Agreement (SRA) between the parties, under which the insurance company provided multiple peril crop insurance coverage. The Government concluded that the insurance company, through its agent, submitted false corn claims for the 1997 and 1998 crop years, resulting in improper indemnity payments for which the insurance company is liable to the Government.

Regulation authorizes the Board to resolve this timely-filed matter. 7 CFR 24.4(b), 400.169. The parties agreed to submit the matter for resolution without a hearing on the merits. After the parties had completed discovery, and after the evidentiary record had closed, but prior to the submission of

briefs, the parties informed the Board that they had settled the dispute and were in the process of executing a settlement agreement.

During a telephone conference with the presiding judge on January 6, 2005, the parties stated that the matter has been settled. They request that the Board enter a dismissal with prejudice.

DECISION

The Board dismisses with prejudice this matter.

JOSEPH A. VERGILIO

Administrative Judge

We concur:

HOWARD A. POLLACK

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

**Issued at Washington, D.C.
January 11, 2005**